

Tuesday, January 18, 2022

This meeting was run through Stony Brook University utilizing Zoom.

Councilor Robert Danielson was acting Chairman for the day's meeting because Dr. Frisk was on a research trip in Africa.

Mr. Danielson went over the day's agenda and followed up with introductions by Councilors present on the zoom.

Public Comment

Nancy Solomon, Director of LI Traditions, wanted to hear about the George LaPointe report and is very unhappy with the amount of time this report is taking to become public. She stated that the fishermen are getting older and the problems and solutions this report was supposed to be helping with are no where to be seen. We need to see resolutions – now.

Councilor Davi said he has heard talk that there is a bacteria in blackfish that is being associated with the tagging process or even the tags themselves and wondered if there is any truth to it. Mr. Maniscalco said he has heard (probably from the same fisher as Mr. Davi) the same thing, however, he is not aware of a situation where there is a widespread problem. The DEC will be sending out a survey after the tautog tagging season to the commercial fishers for their feedback on the program as a whole. Should there be a prevalent problem, the DEC is willing to change methods or take steps to ensure that the fishermen preferences are being heard.

Should anyone want to share their experiences, please reach out to Ms. Sysak at the DEC to share their information: (Rachel.sysak@dec.ny.gov)

Announcements

Update on the Lapointe report – There are three issues that are going to be handled initially – 1) identifying immediate family members 2) medical hardship and 3) random selection process.

- 1) This particular item does not require legislative measures. There just needs to be clarification as to what is meant by the words “immediate family members” – who would be the people to fall into that category. They are going to give a formal presentation at MRAC as well as do an outreach effort to get everyone on the same page.

Sean Barrett

Robert Danielson

John Davi

Melissa Dearborn

Vincent Finalborgo

Thomas Jordan

Henry Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

Steven Witthuhn

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

- 2) & 3) Medical hardship and random selection process items both need to be handled through the legislative process in order to implement any changes. The DEC did include them within the Departmental Bill which was/is currently in the hopper for legislative review, the outcome is not certain right now.

Comments

Mr. Davi said his concern, along with many other folks, is the time frame allotted for getting a transfer in place. He said it needs to be taken into account that this usually involves people who are grieving and just trying to adjust after having lost their loved one; it's a lot for folks to process and get done in such a limited amount of time. It's his hope that the timeline has been increased and wonders if it has been.

Ms. Davidson replied that this item has many facets to it and the Department is very interested in learning if the family plan on actually using the license or if they won't; they need this information to be received in a timely manner. They want the process to be more transparent, and the year time frame comes from the point that, that is the license's "active" status.

Mr. Davi asked that If flexibility is available, why *not* extend the time limit? Especially since that is what the whole point of this report is for – reviewing and improving.

Sharks –

Mr. Maniscalco stated that due to an increase in shark fishing from the beach, the DEC staff is putting together rule making measures for shore-based shark fishing. The vast majority caught off Long Island shores are sand tiger, brown sharks and dusky sharks. All three species being prohibited from take on both state and Federal levels because their populations are depressed and their biological traits show really slow growth, late maturation and a low reproduction rate. These sharks have a very hard time recovering when they are at a low population level. Even though fishing for these species has been illegal since 2010, there has been a substantial increase recently which is especially evident from social media posts. Also evident is the mishandling of the sharks once they are caught and prohibition laws are currently very difficult to implement. The rule making will have 2 separate ways to try and handle the problem, it will include gear and method restrictions aimed specifically at the recreational shore-based shark fishery. Rulemaking will aim at hook sizes some restrictions with using leaders with baited hooks, chumming and bait deployment. Another approach they are focusing on is for specific handling requirements – having the proper tools ready to cut the shark free and a requirement to release the shark in a timely manner so they can return to the water in as good a condition as possible. That would discourage people using the shark for photo ops such as taking photos dragging the shark along the beach, holding the shark's mouth open, sitting on the shark, etc. This will be going through normal rule making procedures.

Councilor Barrett said that he is working with Carl Safina and sadly the phenomenon of Instagram is creating more problems for sharks because everyone loves to post pictures – all in the hopes of getting more "likes."

Mr. Danielson asked for clarification – is it illegal to target them or illegal to take them? Mr. Maniscalco answered "take" is interpreted as targeting; it's understood that sometimes you are fishing for something else but catch a shark, the rules are aiming to make that situation less likely. Take is prohibited, there is no legal catch and release of any of these prohibited species.

Mr. Danielson believes there is a study being conducted in Massachusetts involving shore caught targeted dusky brown and sand tiger sharks. Mr. Maniscalco isn't aware of any study in Massachusetts but knows that New Jersey is conducting a study.

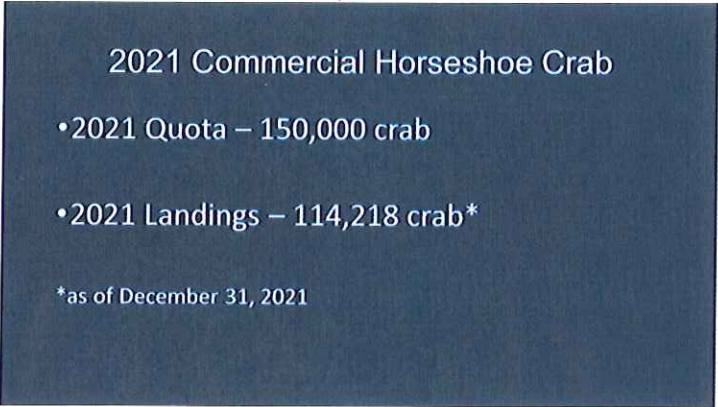
Mr. Witek isn't aware of the studies but he does know that NMFS was very concerned about this fishery and all the taggers were notified this is harmful to the sharks involved and to not engage in this type of behavior.

Mr. Davi has seen firsthand while In Florida the lengths that people go to in order to catch a shark. Some people will ride out ½ mile in a canoe with a huge chunk of bait to entice the sharks and then when caught, it can take as much as 2 hours to land the shark at which point the shark is completely exhausted. He didn't realize how widespread a problem this has become. If it is harming the fishery to the point of depleting the stock, then action needs to take place.

Mr. Maniscalco said the stock is slow to recover. Mr. Witek said sandtigers are stable, sand bars are badly depleted, and a 70 – 100-year recovery period for sand duskies.

Commercial Quota Distribution

Ms. Davidson said back in December, the commercial quota distribution meeting was very productive and the Department received insight on how to proceed for 2022. Mr. Peter Anderson gave the following presentation:



2022 Commercial Horseshoe Crab

DRAFT 2022 Horseshoe Crab Quota Distribution				
Periods	Dates	Quota (# of crab)	Initial Trip Limit	% Distribution
1	January 1 - April 15	6,000	30	4%
2	April 16 - August 31	138,000	150	92%
2-closed	May 28 - June 1	closed	0	closed
2-closed	June 12 - June 16	closed	0	closed
3	September 1 - November 30	6,000	250	4%
4	December 1 - December 31	TBD ¹	TBD ¹	TBD ¹

¹ - Period 4 history will open if there is quota remaining, and 80% reporting compliance.

Commercial Horseshoe Crab - discussion

Mr. Davi inquired if there was a significant change in the harvest having the closures during the full moon?

Mr. Maniscalco said the purpose for the closures during the full moon phase was to ensure the crabs were left alone while they were spawning on the beach, it was not to decrease the commercial quota. They want to offer an undisturbed spawning season for the crabs.

Ms. McKown said many of the crabs that are harvested are taken during those 2 full moons but reports only come in a few weeks later making it difficult to keep up with the quota and trip limits. They actually did see an improvement in the numbers which led to an extension of the season for the fishers.

Mr. Davi thinks it worked well and thinks the Department should keep this in place.

2022 Menhaden

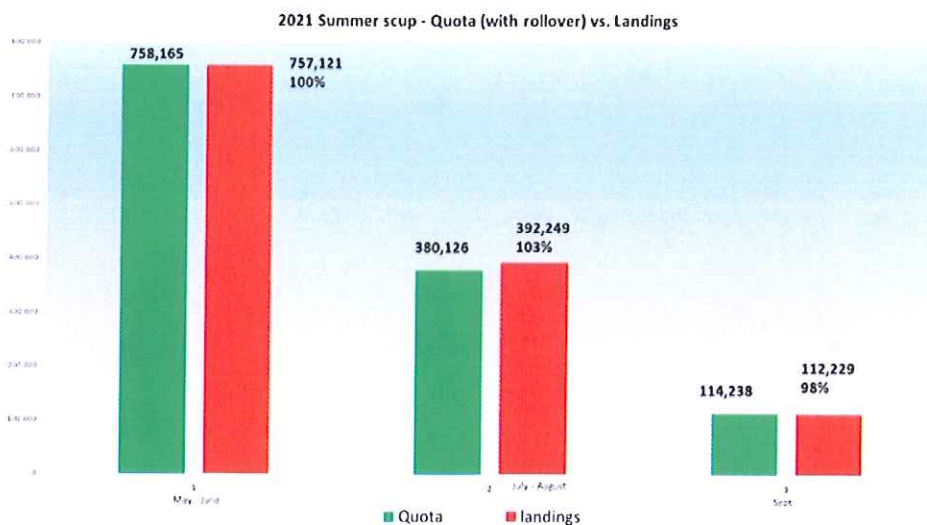
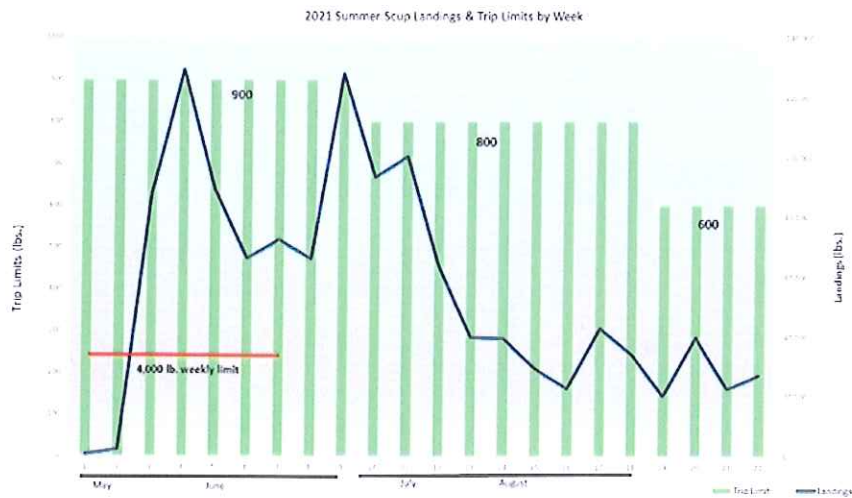
- 2021 Quota – 2,934,618 lbs
- 2021 Landings – 2,992,271 lbs.
- Preliminary 2022 Quota – 2,934,618 lbs.
- Daily trip limit – 10,000 lbs.

Menhaden – discussion

Mr. Danielson had a question regarding landings vs. quota -- we overharvested ~60,000 lbs, statistically does this come out to 100% or will we have to repay. Mr. Anderson said it should fall under the coastwise harvest so New York shouldn't have any recriminations. Mr. Gilmore added that this is a state managed fishery and doesn't fall under federal guidelines. Adjustments can be made when considering numbers from other states. Mr. Danielson thought that was the case but wanted to make ensure there weren't going to be any negative paybacks for the NY fisher.

2021 Summer Scup – May 1 through Sept. 30

- Summer Scup quota – 1,263,608 lbs.
- Landings – 1,261,599 lbs.
- 2021 Weekly Summer Scup – May 1 through June 15
- 4,000 lb. weekly trip limit (maximum of 2 landings per week)
- Scup: In August of 2018, the Mid Atlantic Fishery Management Council (MAFMC) voted to set an incidental small mesh bycatch exemption to 2,000 lbs., April 15 – June 15
- Primary management data source – SAFIS daily reports



DRAFT 2022 Commercial Summer Scup

Scup	Commercial quota	Summer Period %	Summer Quota	NY Summer period %	2022 NY Summer Period Quota
Distribution	20,380,000	38.95%	7,938,010	15.82466%	1,256,163
Periods		1 (May - June)	2 (July - August)	3 (September)	Decrease of 7,445 lbs.
Percent		60%	30%	10%	
2022 Quota		753,698	376,849	125,616	1,256,163
Proposed Trip Limits		900	800	600	

Scup – discussion

Mr. Davi wanted to know when you begin moving percentages around and front load the numbers, when you go over – where are you going to pull from? Mr. Anderson said that the numbers for scup haven't changed for several years. Mr. Davi added that when the season starts, there are a number of gear types fishing for this stock and as the year moves along, the amount of fishers lessens. What happens when we go over early in the season. Mr. Danielson said it doesn't look like the percentages have changed at all and Mr. Davi said he doesn't object to things remaining the same.

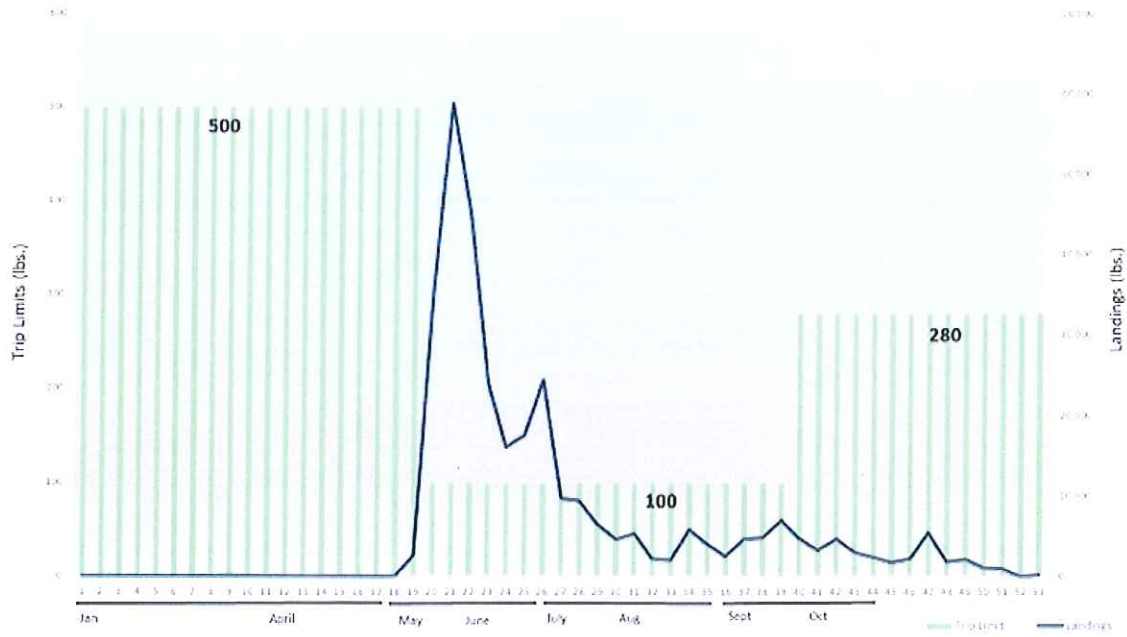
2021 Commercial Bluefish

- 2021 Bluefish quota - 387,667 lbs.*
- *287,667 lbs. initial quota. 100,000 lbs. transfer
(50,000 lbs. in June, 50,000 lbs. in July)

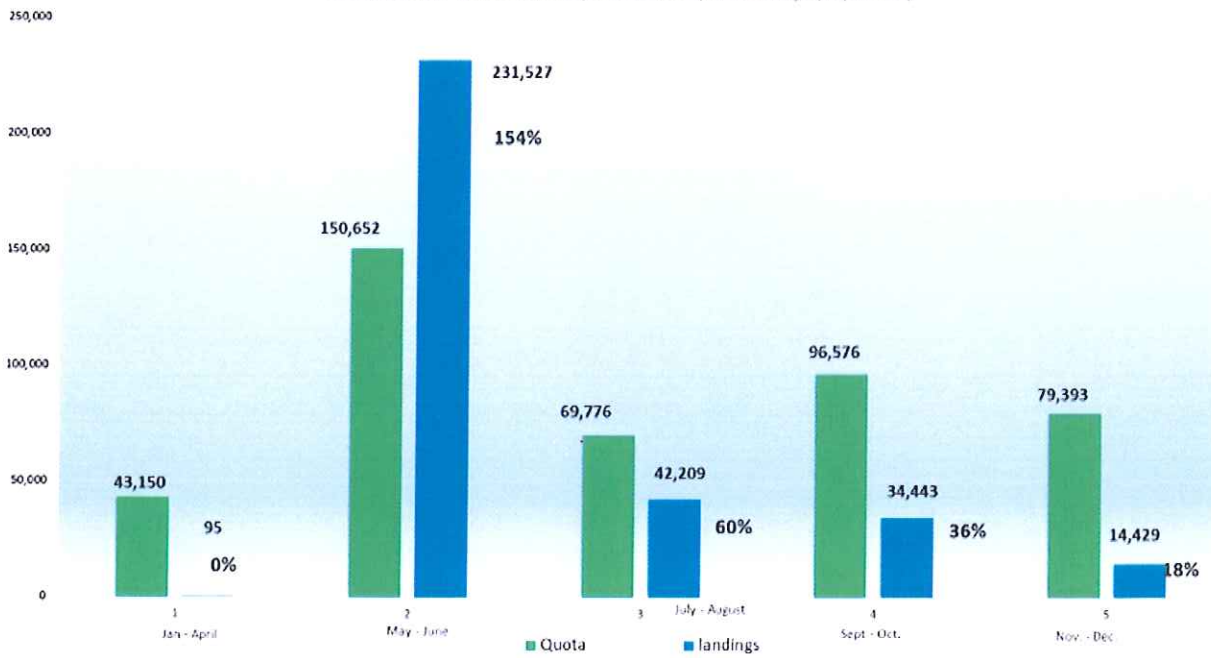
- Landings; 323,872 lbs.*
- *as of December 31, 2021

Primary management data source – SAFIS daily updates

2021 Bluefish Landings & Trip Limits by Week



2021 Bluefish - Period Quota (with rollover) vs. Landings (in pounds)



DRAFT 2022 Commercial Bluefish

Bluefish	Commercial Quota	NY Commercial %	2022 NY Commercial Quota			
	3,540,000	11.7145%	414,693			
Periods	Period 1 (Jan-Apr)	Period 2 (May-June)	Period 3 (July-Aug)	Period 4 (Sept-Oct)	Period 5 (Nov-Dec)	
Percent	10% (-5%)	45% (+15%)	25% (-5%)	15% (-4%)	5% (-1%)	100% <small>Increase of 127,026 lbs.</small>
2022 Quota	41,469	186,612	103,673	62,204	20,735	414,693
Proposed Trip Limits	1,000	210	210	210	210	

Bluefish - discussion

Mr. Davi said the presentation indicates that the DEC relies on receiving a transfer of fish but you cannot count on that, what if New York doesn't receive another transfer? He also wondered if the numbers have any correlation to the COVID situation? Mr. Anderson said pre-Covid the numbers were pretty much the same.

Ms. Davidson wanted to address the pattern of harvesting blue fish over the past several years. She said that the above slide shows that in the beginning of the year hardly anything is caught; it's only when the fish arrive in New York State waters that the harvest really begins. In a 3-month period, NY fishers could harvest the entire quota because the fish are so plentiful. Typically, the fishery must be shut down while the fish are still in NY waters. NY then receives a transfer (2020 and 2021) and the fishery is opened again at a reduced daily trip limit.

Mr. Davi said when the limits are so low, folks are inclined not to even want to bother. It would cost some fishers more to actually fish. He added that you have to remember there are a lot of gill netters out fishing in the spring. This plan seems to be sending more quota to specific fisheries which isn't fair. You need to be careful with percentages because it affects people's pockets.

Ms. Davidson asked what MRAC would like to do.

Mr. Davi understands there was a distribution meeting regarding this and if this is the result of the input received at those meetings, the DEC should let it play out. He is just very apprehensive with the adjustment of percentages.

Mr. Danielson questioned when do bluefish spawn; is the primary offshore spawn in May/June? Mr. Maniscalco replied that there really isn't a specific answer for that. For the most part the cohort that contributes the most to the stock each year is the first Spring spawn that happens out in the ocean and believes it to be a little earlier than May/June. Mr. Danielson said the quota this year is 127,000+ lbs. over the quota from last year and if we receive an additional two transfers of 50,000 lbs. (100,000 total) from other states as we did this year, we will have an increase in quota over 200,000 lbs.

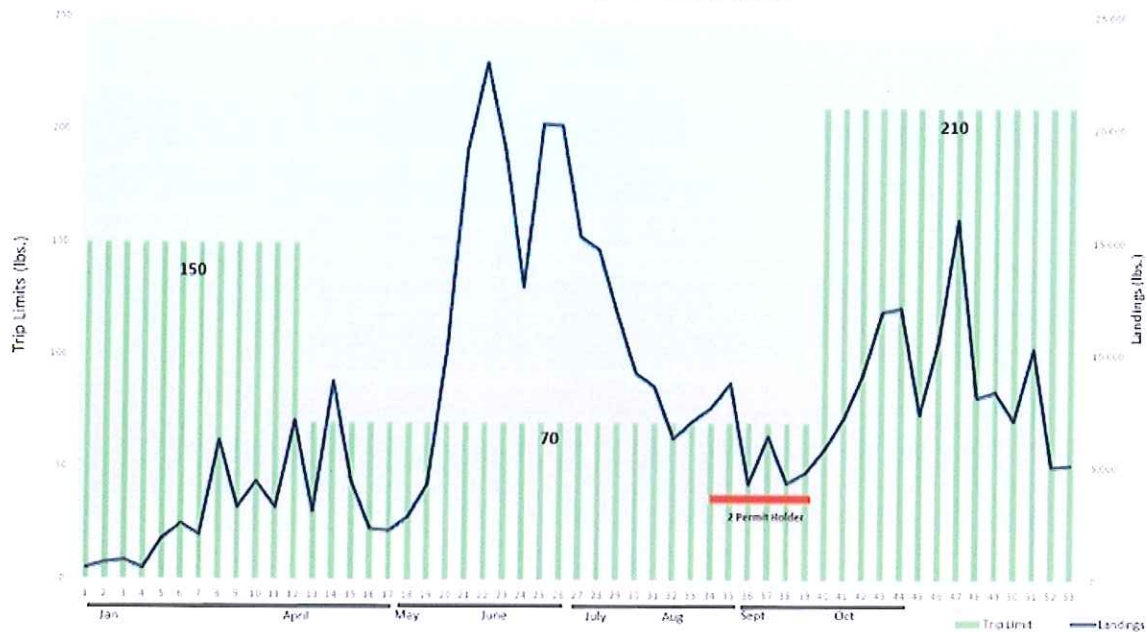
Mr. Gilmore said that depending on and anticipating transfers the worst thing to do, it shows others that we cannot manage our fishery. We only request transfers when there is some unforeseen problem in management, something outside of what we control.

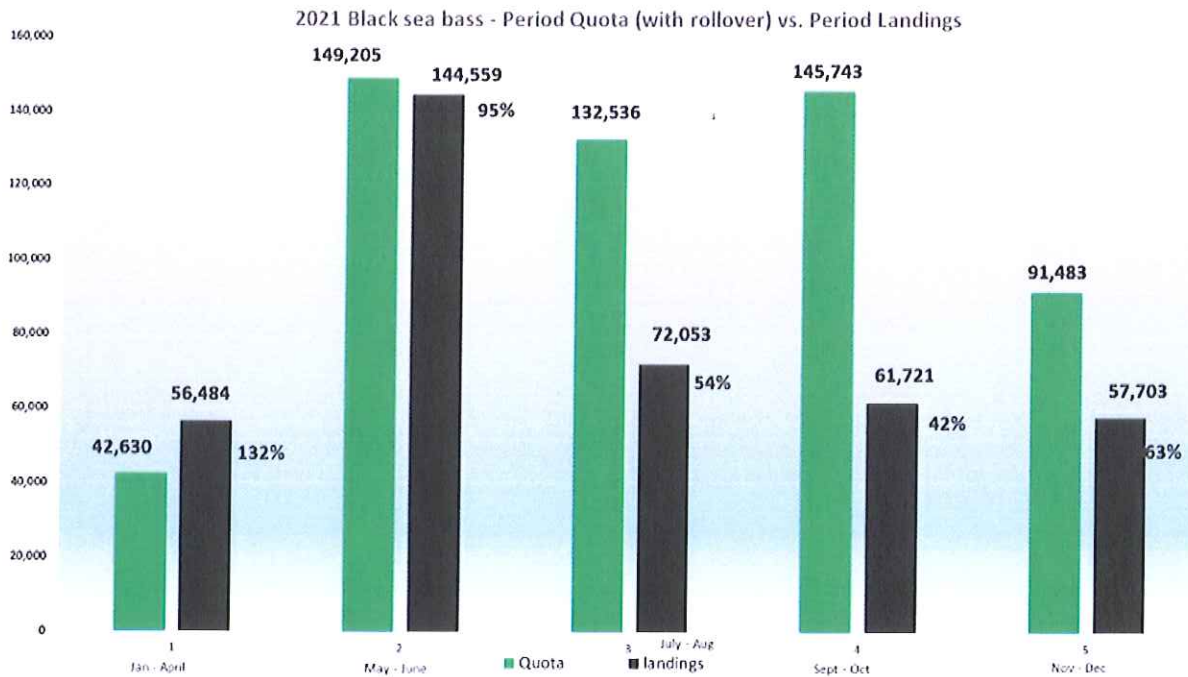
Mr. Witek said what he notices is the reason the landings are so high in late May-June is because of a big influx of fish at that point. What he likes about the period 2 increase is that he suspects it will lower the number of dead discards, he is not opposed to what DEC is offering for Bluefish.

2021 Commercial Black Sea Bass

- 2021 quota – 426,300 pounds
- Landings; 412,943 lbs.*
*as of December 31, 2021
- Primary management data source – SAFIS daily reports

2021 Black Sea Bass Landings and Trip Limits by Week





DRAFT 2022 Commercial Black Sea Bass

Black Sea Bass	Commercial Quota	NY Commercial %	2022 NY Commercial Quota				
	6,470,000	9.79%					
Proposed Periods	1 (Jan - April)	2 (May - June)	3 (July - August)	4 (Sept - Oct)	5 (Nov - Dec)	633,413	
Percent	10%	42% (35%)	23% (30%)	20%	5%	100%	Increase of
2022 Quota	63,341	266,033	145,685	126,683	31,671	633,413	207,113 lbs.
Proposed Trip Limit	150	100	150	150	100		

Black Sea Bass- discussion

Mr. Davi said if the percentages shown are what has been asked for at the quota distribution meeting, he wonders how many people were at the meeting? Mr. Anderson said the number was about 25 people. Mr. Davi continued by saying he knows that Councilor Jordan has never been in favor of frontloading a fishery because the fishers always want something to fish for in the Fall. He believes the original percentages were set up for a reason. He reiterated his earlier comment that if this is what had been requested at the distribution meeting, he would go along with it. With 25 people there, that was a fair amount of voices. Mr. Anderson said he was the person to come up with the percentages originally. The DEC doesn't want to close any fishery and sometimes numbers need to be tweaked for the good of the

fishery; they take changing the numbers very seriously, they investigate what the change would mean thoroughly to the various user groups before implementing them.

Mr. Danielson questioned if spawning occurs during the May-June period and Mr. Maniscalco replied it was but the fishery is in good shape and would be able to withstand fishing during that period. The coastwide outlook for the stock is very good.

Mr. Davi asked if the department is continuing to use the two person/two limit regulation? Mr. Maniscalco said they are not sure if this will be used moving forward. There actually wasn't much participation, however, there are family members that would like this to continue so this is something they are still considering but don't have a definitive answer for today.

2021 Commercial Fluke

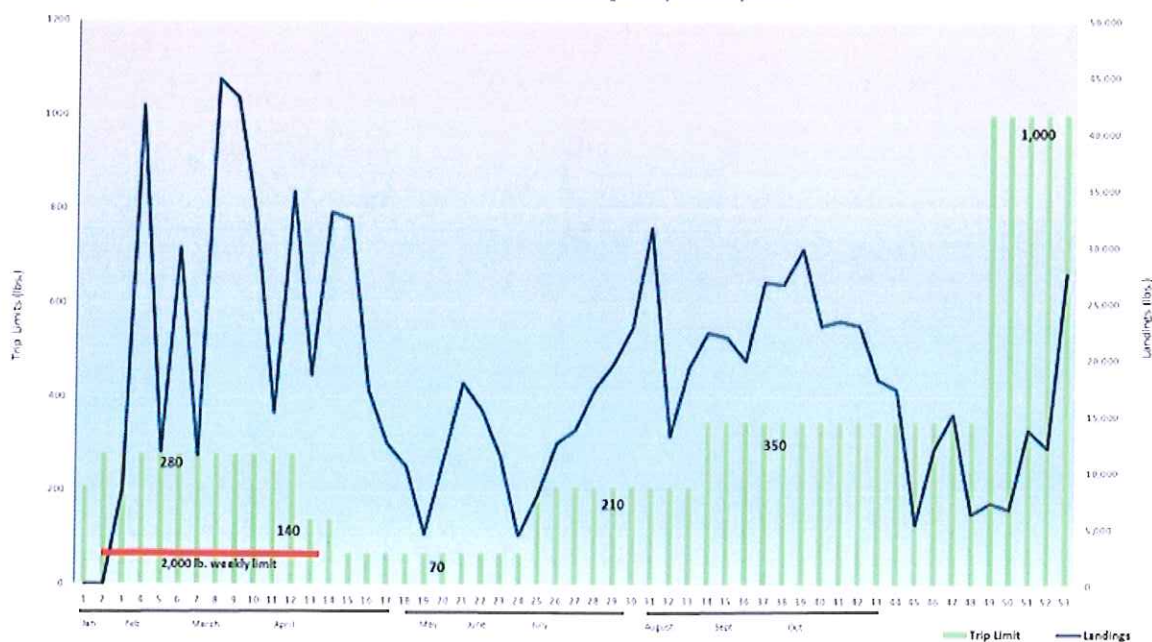
- 2021 quota – 1,094,113 lbs.

- Landings; 997,720 lbs.*

*as of December 31, 2021

Primary management data source – SAFIS daily reports

2021 Summer Flounder Landings & Trip Limits by Week



2021 Summer flounder- Quota (with rollover) vs. Landings



DRAFT 2022 Commercial Fluke

Fluke Commercial quota	2022 Quota				
Commercial Quota*	1,470,779				
	Increase of 266,315 lb				
Periods	1 (January - Feb)	2 (March - April)	3 (May - July)	4 (August - October)	5 (Nov - Dec)
% Distribution	25% (+5%) 20%	15%	35% (-5%) 40%	20%	5%
2022 Period Quota	367,695	220,616	514,773	294,156	73,539
Proposed Trip Limit	(2,000/280)	TBD/140	140	100	100

Fluke - discussion

Mr. Davi said this is the one fishery that he does not want any percentages to change. By taking 5% from May/June and placing it in Jan/Feb you are essentially "giving" the fish to a completely different user group. Mr. Danielson said the slide shows that in May/June the fishers didn't even come close to harvesting their limit, what would be a big deal. Mr. Davi worries that if you front load the percentage, what happens if folks do catch the fish, you risk the possibility of altering the limits for the summer months negatively; increase the catch limit instead. Mr. Danielson does agree with Mr. Davi on this point, you are choosing to reward one fishery over another which isn't fair. Ms. Davidson said she understands their concerns (off shore draggers get rewarded.) These percentages are not final and realizes there needs to be more discussion on this.

Update on pending recreation changes to Fluke, Scup, and Black Sea Bass.

Mr. Maniscalco said that during the December joint meeting between the Council and the Commission, there was a couple of votes, the first one was for a 16.5% liberalization for summer flounder.

Scup's minimum size limit would be increased by 1" (33% reduction in harvest). However, in order to constrain landings in the RHL, we would need a 56% reduction to harvest and the 1" size limit will not reach that. It's possible the Feds are going to require something else, i.e., a closure in federal waters for scup or something of that nature. Additionally, the Council voted for a 28% reduction for Black Sea Bass (among other things, accountability measures had been triggered and the Feds were not going to relax from taking the full 28%.) Bluefish will be status quo because we will be entering into a rebuilding plan.

Since the meeting, members of the technical committee have been working on a plan for something other than a 28% reduction. It's felt that the stock is in good shape hasn't shown any signs of poor recruitment. This was to be discussed at the ASMFC meeting on January 25th. They will be reviewing and discussing how to move forward with restrictions and liberalizations. They are not certain what the exact numbers are going to be but the Council met on February 8th and hopefully more information will be coming.

Discussion –

Mr. Neal Delanoy asked if regulations for fluke, sea bass and porgies are going to be regional – will we have to coordinate with Connecticut and Rhode Island?

Scup is truly regional, everyone has the same, 9" – 30 fish/50 fish and that bonus season. Scup will continue to move forward on a regional basis.

Summer flounder is regional but actually only matching Connecticut. Rhode Island has a different bag limit, longer season and New Jersey is different. He anticipates us moving matching Connecticut but doesn't believe we will get closer to Rhode Island or New Jersey.

Black Sea Bass has different regulations in every single state. New York most closely resembles Rhode Island. They are hoping for more parody but he isn't certain that will be achieved.

Audience participation

As far as Scup, Mr. Delanoy suggests waves 1 and 2 should be closed for scup. There is a heavy mortality for sea bass during that period due to discards. Ten or fifteen years ago when those waves were closed the Sea Bass population exploded. We should never reduce the bag limit – no one catches 30 fish in Cap Tree. When the bag limit was reduced to 10, it put so many people out of business.

Sea Bass – Mr. Delanoy had no suggestions.

As far as Fluke, Mr. Delanoy proposes a relaxation for party boats/for-hire vessels, perhaps a program where they can keep 1 fish at 15" and 3 at 19" – this is to reduce discard mortality.

Councilor Dearborn wondered about the allocation vote. She would like to know why NY supported and ended up 55/45 – why not 50/50? Mr. Maniscalco said the allocations will not go into effect until 2023 (the Bluefish allocation is currently in effect though). He said the votes were close and Mr. Gilmore said there was a good chance we were not going to get *any* change and by going with a small change, they thought they would succeed, this seemed to work.

Mr. Davi said there was more people that didn't want it to go through and doesn't understand how the agency went with something the majority of people did not want. What's the point of going to a public hearing when your voice isn't heard, he's curious about the actual transcript.

Mr. Gilmore said it's very complicated to find middle ground. They were getting a lot of late input that wasn't present at the meeting. At the end of the day, they had to come up with a compromise. Mr. Davi feels it's disheartening because when the commercial fisherman does speak up, it seems to be falling on deaf ears.

Ms. Davidson said after all the voices were heard, sometimes you need to listen to the science.

Mr. Witek believes that fishery management decisions should be driven by data and science. We need to use the methodology that we have at our disposal. We have corrected the allocation to what it should have been.

Mr. Paul Risi said there is plenty data to support the reallocation. There were 78 emails sent in addition to the people who were actually present at the meeting. He believes there was a compromise. Had they been looking to take fish from the recreational sector and bring to commercial, there would have been more screaming.

Announcements:

Due to the staffing changes that have occurred within the department, fishers will be able to use their current license until 1/31/22.

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Council meeting dates for 2022:

March 8<sup>th</sup> \*\*

April 12<sup>th</sup> – Legislative meeting

May 17<sup>th</sup>

July 12<sup>th</sup>

September 13<sup>th</sup>

November 15<sup>th</sup>

\*\*We are hoping that beginning with the March 8<sup>th</sup> meeting we can resume in-person meetings. However, for this and all meetings, please check the Council's webpage prior for the most current information with regard to the meeting's status as well as agenda items. (<https://you.stonybrook.edu/mrac/meetings/>)

***Please note that all meetings, unless otherwise stated, will take place at the DEC's newly constructed offices located at 123 Kings Park Boulevard, Kings Park, 11754.***

For further information about the Marine Resources Advisory Council, past and present bulletins, as well as any pertinent graphs, charts or data, please check the Council's web page: <http://you.stonybrook.edu/mrac/meetings/> Should you wish to suggest an agenda topic, contact the Chairman, Mr. Michael Frisk, ([Michael.frisk@stonybrook.edu](mailto:Michael.frisk@stonybrook.edu)); phone 631 632-8656; Staff Assistant, Kim Knoll ([kim.knoll@stonybrook.edu](mailto:kim.knoll@stonybrook.edu)).